

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PROGME CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
COMCAST CABLE COMMUNICATIONS, LLC, and NBCUNIVERSAL MEDIA, LLC	:	CIVIL ACTION NO. 17-1488
	:	
Defendants.	:	
	:	
	:	

**NBCUNIVERSAL MEDIA, LLC'S MOTION TO DISMISS PROGME
CORPORATION'S FIRST AMENDED COMPLAINT UNDER
FED. R. CIV. P. 12(B)(6) OR, ALTERNATIVELY,
FOR A MORE DEFINITE STATEMENT UNDER FED. R. CIV. P. 12(E)**

Defendants NBCUniversal Media, LLC (hereafter “NBCUniversal”), by its undersigned counsel, hereby moves the Court for an order dismissing plaintiff Progme Corporation’s First Amended Complaint in its entirety. NBCUniversal brings this motion pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on grounds that Promptu’s claims against NBCUniversal are barred by *res judicata* and fails to adequately state a claim against NBCUniversal. To the extent the Court not dismiss the claims, NBCUniversal moves for an order requiring Progme provide a more definite statement of it claims, pursuant to Federal Rule of Civil Procedure 12(e). This motion is based on the following Memorandum of Points and Authorities, on all pleadings and papers on file or to be filed in the above-entitled action, the arguments of counsel, and any other matters that may properly come before the Court for its consideration.

Date: June 7, 2017

/s/ Stephen J. Kastenberg

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	:	
	:	

[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2017, upon consideration of the Defendant NBCUniversal Media, LLC's Motion to Dismiss Progme Corporation's First Amended Complaint Under Fed. R. Civ. P. 12(B)(6), or Alternatively for a More Definite Statement Under Fed. R. Civ. P. 12(e), it is hereby ORDERED that the Motion is GRANTED, and Plaintiff's First Amended Complaint against NBCUniversal Media, LLC is DISMISSED with Prejudice.

Hon. Gerald A. McHugh
United States District Court

CERTIFICATE OF SERVICE

The undersigned attorney certifies that, on this date he caused to be served copies of the Defendant NBCUniversal Media, LLC's Motion to Dismiss Progme Corporation's First Amended Complaint Under Fed. R. Civ. P. 12(B)(6), or Alternatively for a More Definite Statement Under Fed. R. Civ. P. 12(e), along with the Memorandum of Law and exhibits, upon counsel at the following addresses, and filed same via the Court's ECF/CM system:

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Dated: June 7, 2017